IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6559 of 1986

For Approval and Signature:

Hon'ble MR.JUSTICE R.R.TRIPATHI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

ARVINDKUMAR V BHATT

Versus

NATIONAL TEXTILE CORPN (GUJ) LTD

Appearance:

MR AKIL KURESHI for Petitioner

MR SI NANAVATI for Respondent No. 1, 2

CORAM : MR.JUSTICE R.R.TRIPATHI

Date of decision: 09/03/2000

ORAL JUDGEMENT

#. Mr.Akil Kurashi, appears for the petitioner and Shri S.I.Nanavati for the respondents. It is jointly submitted that the present Special Civil Applicatin is similar to the other two matters, namely. S.C.A No.161/87 and 2708/88, which are disposed of by this

court (Coram: M.S.Shah,J) by an Oral Judgment dtd.25.2.2000. However, as this matter was not on Board, it could not be disposed of. In that view of the matter, the present Special Civil Application is disposed of on the same terms as under :

#. The case of the petitioner in this petition is that at the time of his appointment age of superannuation was 60 years but subsequently by the resolution of the Board of Directors of the National Textile Corporation (Gujarat) Ltd., at the 93rd meeting held on 16.1.1985 and as reflected in the Office Order dated 22.1.1985 the age of their superannuation came to be revised from 60 years to 58 years. The aforesaid office order is under challenge in this petition.

#. The relevant extract of the aforesaid Office Order is reproduced as under :-

" HEAD OFFICE

1. The retirement age in case of employees in the Head Office of the Corporation which is presently 58 years remains unchanged.

MILL UNITS

2. The retirement age of the Awarded Staff in the Mill Unit under the Corporation which is presently 60 years remains unchanged.

3. The age of retirement of employees not covered under the BIR Act, 1946 and who are non awarded staff in the mill units under the Corporation will be 58 years.

4. These orders shall come into force with immediate effect."

#. The petitioner has raised various challenges. However, it is not necessary to enumerate them nor to deal with them in any details as the controversy raised in this petition is squarely covered by the judgment 25.1.1993 of the Division Bench of this Court in LPA No.159/85 in Special Civil Application No.948/85. There is no dispute about the fact that the petitioner herein is not a workman and therefore not a part of the "Award Staff" and as per the office order the age of the retirement of the petitioner is 58 years. Since the controversy is squarely covered by the aforesaid judgment

of the Division Bench in LPA No.159/85, it is not necessary to say anything more in this matter.

#. The petition is, therefore, dismissed. Rule is discharged. There shall be no order as to costs.

kks